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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,215	11/19/2001	Barclay Saul	96001-0151	8194

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Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,215

Applicant(s)

SAUL ET AL.

Examiner

Stephen A. Holzen

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/3/2006 have been fully considered but they are not persuasive.
2. Does Robinson teach allowing viewing access in 2D and 3D representations?

The applicant has argued that Robinson does not allow a first gallery account to view a virtual item in 2D and 3D modes. The examiner disagrees. Robinson is drawn to a software tool that is capable of enhancing a 2D version of a webpage to a 3D version.

Robinson discloses, "Upon automatic installation of the 3D Persistent Client kernel 465, the user is given a demonstration of the 3D environment software and given the choice to activate a full three-dimensional computing environment..." (See ¶0078: 44-49).

Applicant's claim is only limited to "allowing" 2D and 3D representations of data, and Robinson discloses this limitation since Robinson allows the users to switch between 2D and 3D displays. Robinson discloses –instead of viewing objects in a flat two-dimensional environment, the user can (optionally switching back and forth between 2D and 3D) now move through the e-community

database in a three dimensional computer environment viewing content in a three dimensional environment--.

3. Does Robinson disclose an "environment" as defined by applicant?

Applicant has asserted that "gallery environment" is specifically defined in the specification on page 10 line 18 – page 13 line 3 and further asserts that an environment includes a floor and a wall. The examiner sees no difference between applicant's environment and the environment defined by Robinson (as illustrated in Figure 9).

4. Does Robinson disclose a "virtual size"?

Applicant has asserted that "virtual size" has an art specific meaning that does not encompass the broad definition provided by the examiner. The examiner can not find a recitation in the original specification as to what all is meant and encompassed by the phrase "virtual size" and therefor asserts that a broad interpretation of the prior art is proper.

Even if applicant' definition provided in the arguments is controlling, the examiner asserts that Robinson discloses a "virtual size". Figure 9 to Robinson, which teaches that desks, photos, and couches have different proportions.

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5. Does Robinson or Crater et al teach away from “read only access”?

The applicant has argued that neither Robinson ^{nor} Crater et al teach “read only” access. The examiner disagrees. TL

Re – Crater: The paragraph cited by applicant in the response teaches both read only and qualified access. The examiner concludes that Crater et al does not teach away from “read only access”.

Re – Robinson: Both the examiner and the applicant have agreed that Robinson does not specifically teach “read only” access to the virtual environment. Robinson is in fact completely silent to read-only access. The examiner cannot find the phrase “read only access” at all in the disclosure. Robinson does however teach towards qualified access, but this fact does not mean that Robinson specifically teaches away from read only.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al (2002/0113820) in view of Crater et al (5,805,442).

The disclosed invention is a method of hosting an account on a network. The network is capable of letting users set up accounts, which are accessible by other users in either qualified or read only modes. Each account has an environment (virtual reality or two-dimensional representation) that displays at least one item within. The at least one item has a "virtual size". The network allows a first user to set up an account and design a virtual environment, which other users may access.

Robinson discloses a host system (100), first account (#130, i.e. businesses), and first and second users (#120 the customers who want to use the website for personal reasons), and a network that connects the gallery accounts to the users (#110, #116). The users (#120) have access to the web sever (100) and the gallery accounts (#130) via web application software (such as Internet Explorer or Firefox). The web server, account managers and users can transmit information back and forth through "conventional means" as disclosed in ¶0021. The businesses can customize their virtual accounts with a "drag and drop" applications (¶0091), customers can request qualified access to these environments (see ¶0036), and can interact with the businesses through a web browser (see ¶0003 & ¶0019 & ¶0021) and with each other through the virtual environment (¶0034, lines 5-6). When the users (#120) create an account with the three-dimensional environment service (set up by business #130), a personal kernel is placed on the users (#120) system. The personal kernel is a data-

mining tool that keeps a registry of downloads, a user profiles, buying patterns, searches (i.e. personal information; see ¶0078, lines 57-74)

The phrase “size” can be viewed in two different ways. The first would be that the virtual items (such as a desk) take up “3D space” within a user’s environment. Robinson discloses this type of “size” by teaching that the users can fill up their “virtual rooms” with furniture. (See ¶0036). The second way of defining “size” would be that the “items” use a particular amount of memory. It should be appreciated that file sizes are measured in Megabytes and depending on compression methods and file formats a megabyte of data can hold various amounts of information for a plurality of applications (i.e. books, images, or music.) Robinson’s “items” therefore have a specific file size, which is measured by the amount of information stored therein.

Robinson disclose that the three dimensional environment is not required for viewing the content of each account. Instead the three dimensional environment is only an option for users (#120, see also ¶0079). Robinson discloses that a user (#120) may access an account (e-group.com) navigate to a particular are of interest and then have the option (“may”) of activating a 3D version of the e-community database. It should be appreciated that the galley account (i.e. e-groups.com) need not be presented to the users in 3D.

Robinson does not disclose specifically disclosure that the users (#120) have the option of qualified and read-only access to the account.

Crater however discloses that security becomes particularly important if web pages allow client computers 50 not only to access data, but to modify it as well. For example, while "read-only" access to control data suffices to inform the client user of the state of a controlled machine or process, the user cannot, if limited to such access, influence the operation of the controller. It may prove desirable, therefore, to allow an appropriately authorized client to directly modify control parameters (which may, for example, be stored on a restricted-access web page) that determine the operation of the controller and, hence, the controlled machine or process. (see Col. 8 lines 60+ to Col. 9. line 15).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to allow users both qualified and read-only access to accounts set up by businesses to allow the users to (1) access without altering the operations of the system and (2) access and directly modify the control parameters that determine the operations of the account.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

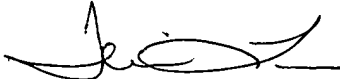
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah



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